IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL NO.772 OF 2006
IN
SUMMARY SUIT NO.1711 OF 1982

Rajmal Jhaveri ..Appellant.
Vs.
Hasmukhlal Jhaveri & Ors. ..Respondents.

....

Shri Vivek Sharma for the Appellant.
Shri H.C. Mehta i/b Mehta & Co. for Respondent Nos.1, 2, 6 to 8.

....

CORAM: **R. M. S. KHANDEPARKAR, &**
DR. D.Y. CHANDRACHUD, JJ.

5th February, 2007.

P.C. :

Heard.

By consent the impugned judgment dated 8th June, 2006 in Summary Suit 1711 of 1982 is set aside and the matter is remanded to the Learned Single Judge to proceed with the matter in accordance with the provisions of law and in case the judgment is to be pronounced under Order 8 Rule 10, the same shall be in accordance with the provisions of law, i.e. by passing a judgment as required under the Code of Civil Procedure and shall take into

consideration the provisions of Order 20 read with Section 2(9) of the Code of Civil Procedure. The Appeal stands accordingly disposed of with no order as to costs.

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)